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August 1, 2018

**VIA ECF**

Hon. Robert W. Lehrburger  
United States District Court, S.D.N.Y.  
500 Pearl Street  
United States Courthouse  
New York, New York 10007

Re: *Cazé D. Thomas v. Five Star Electric, Dept of EEOC, Dept of Human Rights, and Metropolitan Transportation Authority, 18-cv-3691 (AJN)(RWL)*

Dear Magistrate Lehrburger:

We represent Defendant Five Star Electric ("Five Star") with regard to the above referenced matter.

Based on the documents filed on the ECF Docket (specifically, ECF Doc. Nos. 6 and 10), it appears that Plaintiff Cazé Thomas has represented to the Court that he affected service of process on Five Star in or about July 2018 by delivering the Summons on July 11, 2018 and the original Complaint on July 27, 2018. However, although Plaintiff delivered various documents by various means to Five Star between July 11, 2018 and July 27, 2018,<sup>1</sup> to date, Plaintiff has not properly served Five Star with either the original Complaint (ECF Document No. 1) or the Amended Complaint (ECF Document No. 9) as required by Rule 4(h) of the Federal Rules of Civil Procedure ("FRCP"). Plaintiff has also not requested that Five Star waive service of process under FRCP Rule 4(d), nor has Plaintiff provided Five Star with any copy of the Amended Complaint which is currently the operative pleading before the Court.

In consideration of Plaintiff's *pro se* status, Five Star is willing to accept service and waive service of process under FRCP Rule 4(d), provided Five Star is granted 60 days to respond to Plaintiff's Amended Complaint pursuant to FRCP Rule 4(d)(3).

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<sup>1</sup> A copy of the Summons (ECF Doc. No. 6, pg. 1) only was hand delivered to Five Star on July 11, 2018. Copies of the Summons (ECF Doc. No. 6, pg. 1) and original Complaint (ECF Doc. No. 1) were received by Five Star via USPS priority mail on July 27, 2018. Copies of the Summons (ECF Doc. No. 6, pg. 1) and Civil Cover Sheet (ECF Doc. No. 2) were received by Five Star via USPS certified mail on July 27, 2018.

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Accordingly, Five Star respectfully requests that the Court grant it 60 days from today to respond to Plaintiff's Amended Complaint.

Thank you for your consideration of this request.

Respectfully submitted

BOND, SCHOENECK & KING, PLLC



Ernest R. Stolzer

ERS/jcm

cc: Cazé D. Thomas, Pro Se Plaintiff (via first class mail)  
Defense counsel listed on the ECF docket (via ECF)  
Robert J. Saville, Five Star Electric Corp.